



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122 E-mail : cgrfkalyan@mahadiscom.in

**IN THE MATTER OF GRIEVANCE NO. K/N/0043/410 OF 2010-2011 OF
M/S. GURU ENTERPRISES, NALLASOPARA, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT NEW CONNECTION.**

M/s. Guru Enterprises
At S. No. 124, H. No. 03
Behind Divine School, Tulinj Road
Nalasopara (East), Tal : Vasai, Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engr. MSEDCL
Nalasopara (East) Sub Division.

} (Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the

Maharashtra Electricity Regulatory Commission (MERC) vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The complaint was regarding non releasing connection to M/s. Guru Enterprises, Nalasopara. The complainant registered grievance with the Forum on 07/08/2010 regarding New Connection. The details are as follows :

Name of the complainant : M/s. Guru Enterprises

Address: - As above

Old Consumer No : New connection

Reason for Dispute : - Regarding non release of new connections.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/359, dt. 07.08.10 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer MSEDCL Vasai Circle filed reply vide letter No. IGRC/VC/CGRF-410/2010-11/6990, dt. 30.08.2010.
- 4) The Members of the forum heard both the parties at length on 30/08/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Ravi Anand, Shri S. S. Mirje, Shri R. Jaiswal, representatives of the consumer & Shri Nitin Pevekar Dy. Ex. Engr. representative of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5) The complainant is a construction company having office at site S. No. 124, H. No. 03, Behind Divine School, Tulinj Road, Nalasopara (East). It

had constructed three buildings and had applied for 118 Nos. of L.T. connections for the occupants on 22/06/2009. The complainant further states that out of 118 Nos. applied, 18 Nos. of connections were released on 25/08/2009 i.e. after two months from the date of application. The balance 100 Nos. connections are still not released.

- 6) According to the complainant he had applied for the new connections on 22/06/2009. Licensee has issued F.Q. on 05/04/2010 i.e. after nine months from the date of application which is a clear violation of MERC rules. The complainant further states that though it has completed all the formalities and made payments as per F.Q. balance 100 connections are still not released. The complainant has even approached IGRC who has rejected it's claim for new connection. The complainant therefore has approached the Forum and is seeking the following relief :
 - a) All the connections should be released as per the provisions of Regulations 2005 but not released hence licensee be ordered to release connections immediately.
 - b) Compensation be awarded as per the provisions of Regulations 2005.
 - c) Favorable order be issued so as to get released the remaining connections and award the compensation.
- 7) In response to the above licensee has stated that :
 - a) F.Qs. are issued subject to commissioning of new DTC at Nalasopara East.
 - b) As per SOP time period for releasing new connections where new DTC is involved is one year from the date of receipt of duly completed application in accordance with MERC Regulation 2005.

- c) Since the complainant has not completed/submitted required documents as per letter No. 2833 , dt. 22/06/2009 from Executive Engineer Virar the applications remain incomplete. Also the period of one year is still not over hence the grievance application of the complainant does not warrant any action from the licensee and have requested to dismiss the claim of the complainant.
- d) However no requisite documents are submitted by the licensee nor by the complainant though repeatedly directed. The complainant failed to submit even the copies of A-1 form, F.Q. etc. which shows a casual approach of the complainant as well as the licensee towards the Forum. The Forum therefore by letter No. 471, dt. 04/10/2010 asked the licensee to furnish certain documents which will help the Forum to arrive at the proper conclusion.
- 8) We have gone through the records placed before us and the contentions made by both the parties at the time of hearing and our observations are as follows :
 - a) The complainant has applied for 118 L.T. connections on 22/06/2009 out of which 18 connections are released so far. F.Q. was given to them on 05/04/2010 so it is a clear cut violation of MERC rules on the part of the licensee. Though the copy of F. Q. and original application is not brought on record in front of us (though repeatedly directed to both the parties by the Forum) it can be assumed as correct according to the other documents on record.
 - b) The report of Dy. Ex. Engr. dt 06/04/2010 clearly states that giving connections from the existing transformer located at Umesh Kiran is technically feasible. However Ex. Engr. Virar raised objection to the

above citing the length of cable and losses incurred therein and the possibility of consumers' complaining about lower voltage.

- c) However the 18 connections which are released by licensee to the complainant on sympathetic ground as claimed by the licensee, there seems to be no survey on record as to whether these 18 Nos. of connections are experiencing low voltage.
- d) It seems that licensee has delayed in conducting the proper survey due to internal differences between the officials for which complainant has to suffer.
- e) The claim of the licensee that they have informed the complainant about non submission of certain documents vide letter No. 2833, Dt. 22/06/2009 is not convincing since this letter is not on record.
- f) The period of one year therefore in our view has to be calculated from the date of original application i.e. from 22/06/2009 which is already over and hence complainant should be compensated as per Appendix 'A' (Level of compensation payable to consumer for failure to meet standards of performance).
- g) Though we strongly feel that the licensee should provide connections to the complainant at licensee's expenses due to inordinate delay in the whole process and suffering borne by the complainant, we cannot pass such order under SOP guide lines.
- h) Moreover we fail to understand the statement submitted by Dy. Ex. Engr. Nalasopara dt. 05/10/2010 that :
 - i) A-1 Form received by the licensee on **05/04/2010**
 - ii) Survey was carried out on **05/04/2010** and
 - iii) Firm Quotation was issued on **05/04/2010**

the statements are beyond our imagination.

- 9) We have also visited the site on 19/10/2010 and prepared site inspection notes marked 'A' and observed that :
 - a) Being a narrow passage between two buildings erection of L.T. over head line is not possible and if underground cable is laid sufficient voltage will not get to the consumer therefore separate transformer is necessary. On this background submission of the learned representative for the consumer that officials of the licensee intentionally did not release the new connections is devoid of substance. Dy. Ex. Engr. Nalasopara has prepared estimate for underground cable. The Ex. Engr. Virar has not sanctioned the same estimate as length of cable is more due to which low voltage complaints will be increased. Hence Ex. Engr. Virar instructed Dy. Ex. Engr. Nalasopara to prepare a new 100 KVA proposed transformer to cater the load of 100 Nos. of new connection.
- 10) Licensee has carried out the survey on 05/04/2010 so there is a delay of 40 weeks which comes to compensation of Rs. 4,000/- @ Rs. 100/- per week (40 weeks X 100 = 4000) and F.Qs. were issued on 05/04/2010 so there is a delay of 39 weeks which comes to compensation of Rs. 3900/- @ Rs. 100/- per week (39 weeks X 100 = 3900) as per Appendix 'A' – 1 (i) & (ii) as per the provisions of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.
- 11) Licensee has submitted incomplete documents at the time of hearing therefore Forum issued a letter to the licensee to furnish details as mentioned above. Alongwith the say licensee filed documents on

05/10/2010. The Forum found some discrepancies in the documents produced therefore visited the site on 19/10/2010 and hence delay is caused to decide the case.

- 12) On going through the record and noticing the capacity of the transformer the grievance application will have to be partly allowed and accordingly we unanimously pass the following order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Licensee is directed to get the estimate sanctioned from the competent authority and release the new connections as per the guide lines laid down in Regulation 4.6 as per the provisions of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.
- 3) Licensee is also directed to pay total compensation of Rs. 7900/- (Rs. Seven Thousand Nine Hundred only) to the complainant within 30 days from the date of receipt of this decision as directed in para No. 10 referred above as per Appendix 'A' – 1 (i) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.
- 4) Compliance should be reported within 60 days from the date of receipt of this decision

- 5) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address :

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address :

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 23/11/2010

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan